

REMARKS/ARGUMENTS

Reconsideration of this application in light of the above amendments and the following comments is courteously solicited.

Applicants have amended dependent claim 27 so as to delete the indefinite phrase "two crossing weld seam" in favor of the definite phrase "two intersecting weld seams". It is believed that claim 27, and claim 28 which depends therefrom, comply with the formal requirements of 35 U.S.C. 112, second paragraph. Applicants by the instant amendment has presented previously submitted dependent claims 25 and 28 as amended independent claims 25 and 28. Previously submitted independent claim 21 has been canceled. The remaining claims, namely, claims 22-24, 26, 27, and 29-31 have been amended so as to depend from either one or both of independent claims 25 and 28. It is respectfully submitted that all of the claims as pending patentably define over the art of record for the reasons set forth hereinbelow.

US4837060 Bambara relates to a corrugated cushioned material for wrapping fragile objects. A plurality of tubular members are positioned adjacent to each other, touching each other and secured together along a plurality of longitudinal continuous or broken seams. The cushioning material may be strengthened by laminating a sheet of either foamed or unfoamed plastic, paper, cardboard, textile fabric felt or other materials. In the bodies according to Bambara either tubes are touching tubes or tubes are touching a plane surface. As a conclusion, the welding seams are in form of lines only and are not planes. The tubular elements do not necessarily touch each other but are distributed on one or between two sheets. The product so formed is a corrugated cushioned material for wrapping fragile objects. The planks according to Bambara Fig. 1 to Fig. 5 are the final product.

US4755408 Noel describes foam panels produced by welding or adhering foam tubes to one another. The foam panels are used for the production of super lightweight panels the cavities of which are optionally filled with gypsum, cement or other materials. The foam tubes are hollow and having normally a round cross section. Tubes with square or rectangular cross section are imaginable. As far as square tubes are mentioned (Fig. 34 and Fig. 35, column 5, lines 41 to 45) the free corners of said panels serve as spacers. If the hollow square foam tubes would be stacked on their plane side, no spacers would appear. As a conclusion, Noel did not consider to adhere together foam tubes to build a block. It is proposed to form a block of hollow profiles forming a super lightweight panel having holes and recesses. The holes and recesses are suggested to fill them with gypsum or cement.

Independent claims 25 and 28 clearly distinguish over both the '060 document and the '408 document whether taken alone or in combination under either 35 U.S.C. 102 or 35 U.S.C. 103. The '060 document fails to teach a block comprising a plurality of body segments of foamed thermoplastic material which are welded together by weld seams which forms stiffening struts which increase the compressive strength of the structural elements which respect to surface pressure. Initially, it should be noted that the members of the '060 document are tubular members positioned adjacent to each other. They are joined together by either continuous or broken seams. The weld seams are formed in lines and did not form "stiffening struts" as claimed in independent claim 25. The structural element of the '060 document is totally different from that claimed in claim 25 of the instant application. In addition to the foregoing, independent claim 28 is not taught or suggested by the '060

document. In addition to the weld seams described above, independent claim 28 requires the body segments comprise a stretched polymer structure which is stretched in a direction of extrusion. This feature is not at all suggested, disclosed, nor rendered obvious by the teachings of the '060 document.

The '408 document to Noël is equally defective. Noël teaches welding foamed tubes to one another to form a foam panel. The foam tubes are either hollow or filled with a non-plastic material such as gypsum and/or cement. The resulting structure in the Noël '408 document is a super lightweight panel having holes and recesses which are filled with gypsum and/or cement. The '408 document does not teach weld seams which form stiffening struts as claimed in independent claims 25 and 28. Furthermore, the Noël patent does not teach body segments which comprise a stretch polymer structure in a direction of extrusion. Accordingly, it is respectfully submitted that both independent claim 25 and independent claim 28 clearly define over the cited and applied prior art.

In addition to the foregoing, it is respectfully submitted that dependent claims 22-24, 26, 27, and 29-31 contain patentable merit in their own right. The foamed body segments as set forth in dependent claims 22, 26, 27, 29, and 30 are not at all shown or disclosed in either of the prior art references. The specific thermoplastic material set forth in dependent claim 23 is not disclosed in either of the references. Accordingly, it is believed that each of these dependent claims are further patentable over the cited and applied prior art references. In light of the foregoing, the early issuance of a Notice of Allowance is respectfully requested.

An earnest and thorough attempt has been made by the undersigned to resolve the outstanding issues in this case and

place same in condition for allowance. If the Examiner has any questions or feels that a telephone or personal interview would be helpful in resolving any outstanding issues which remain in this application after consideration of this amendment, the Examiner is courteously invited to telephone the undersigned and the same would be gratefully appreciated.

It is submitted that the claims as amended herein patentably define over the art relied on by the Examiner and early allowance of same is courteously solicited.

If any fees are required in connection with this case, it is respectfully requested that they be charged to Deposit Account No. 02-0184.

Respectfully submitted,

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